

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

SUMNER SQUARE
1615 M STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20036-3215

(202) 326-7900

FACSIMILE:
(202) 326-7999

November 9, 2022

Via ECF

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) in response to the Court’s order of November 1, 2022, ECF No. 8698, directing the parties to submit proposed redactions to the appendix of exhibits that Kreindler & Kreindler LLP (“Kreindler & Kreindler”) filed on October 25, 2022 as ECF No. 8682. Kreindler & Kreindler’s October 25, 2022 submission to the Court stated that the documents in its appendix were “necessarily now public” and that it was filing them under seal “in an abundance of caution.” ECF No. 8674, at 1. Those statements disregard the Court’s previous rulings.

ECF No. 8682 contains documents for which the Court has previously approved redactions to protect confidential information of Saudi Arabia and of non-party witness Musaed Al Jarrah, whom this firm also represents. The Court’s order of November 3, 2021, ECF No. 7314, directed that “statements about the contents of the [Al Jarrah] deposition may not be publicly disclosed and must be redacted” and that “material protected by the Vienna Convention must be redacted as well.” *Id.* The Court’s order of January 14, 2022, ECF No. 7600, applied that directive to two hearing exhibits that Kreindler & Kreindler has included in ECF No. 8682.

ECF No. 8682-35 is Exhibit K&K 102. This document is Saudi Arabia’s July 23, 2021 letter, originally filed under seal as ECF No. 6981, and previously refiled as parts of ECF Nos. 7386-3 (at pp. 42-47) and 7386-4 (at pp. 28-33). The Court previously approved redactions to pages 1, 2, 3, and 5 of this letter. *See* ECF No. 7600, at 3-4.* ECF No. 8682-59 is Exhibit

* The January 14, 2022 order mistakenly refers to Saudi Arabia’s July 23, 2021 letter as a September 23, 2021 letter that was originally filed under seal by Saudi Arabia as ECF No. 7157. Saudi Arabia’s contemporaneous correspondence with counsel for Kreindler & Kreindler and John Fawcett clarifying this issue is attached as Exhibit A. Based on that correspondence, Kreindler & Kreindler filed with the redactions ordered by the Court at ECF Nos. 7615-3 (at pp. 42-47) and 7615-4 (at pp. 28-33).

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KSAX-0058. This document is Kreindler & Kreindler's September 30, 2021 letter, originally filed under seal at ECF No. 7162 and previously refiled as part of ECF No. 7386-5 (at pp. 87-89). The Court previously approved redactions to page 3 of this letter. *See* ECF No. 7600, at 4.

Saudi Arabia respectfully requests that the Court direct that ECF Nos. 8682-35 and 8682-59 remain under seal, and direct Kreindler & Kreindler to refile versions of those documents with the redactions previously ordered by the Court. Saudi Arabia does not propose any other redactions to ECF No. 8682.

Respectfully submitted,

/s/ Michael K. Kellogg

Michael K. Kellogg
Counsel for the Kingdom of Saudi Arabia

cc: All MDL Counsel of Record (via ECF)